

RECEIVED

SDNY PRO SE OFFICE

## UNITED STATES DISTRICT COURT

for the

Southern District of New York  
Western District of Pennsylvania

Angelika Graswald; Frederick Banks  
as "next friend" of Angelika Graswald,

Petitioner(s)

v.

Named Warden, Orange County Jail; Assistant D.A.  
Julie Mohl; District Attorney's Office; Central Intelligence  
Agency; John Brennan, Director; Sheriff, Orange County;  
Attorney General of New York; State of New York;  
Hudson River prosecutors, Respondent(s)  
(name of warden or authorized person having custody of petitioner)

Case No.

(Supplied by Clerk of Court)

16CV0563

## PETITION FOR A WRIT OF HABEAS CORPUS UNDER 28 U.S.C. § 2241;

And Motion to Disclose Electronic Surveillance Pursuant to 50 USC § 1806(f)  
Personal Information

1. (a) Your full name: Angelika Graswald  
(b) Other names you have used: \_\_\_\_\_
2. Place of confinement:  
(a) Name of institution: Orange County Jail  
(b) Address: mail to: Angelika Graswald c/o Frederick Banks, 120759, 950 Second Avenue, Pittsburgh, PA 15219  
(c) Your identification number: \_\_\_\_\_
3. Are you currently being held on orders by:  
☐ Federal authorities ☒ State authorities ☐ Other - explain: \_\_\_\_\_
4. Are you currently:  
☒ A pretrial detainee (waiting for trial on criminal charges)  
☐ Serving a sentence (incarceration, parole, probation, etc.) after having been convicted of a crime  
If you are currently serving a sentence, provide:  
(a) Name and location of court that sentenced you: \_\_\_\_\_  
(b) Docket number of criminal case: \_\_\_\_\_  
(c) Date of sentencing: \_\_\_\_\_  
☐ Being held on an immigration charge  
☐ Other (explain): \_\_\_\_\_

**Decision or Action You Are Challenging**

5. What are you challenging in this petition:

☐ How your sentence is being carried out, calculated, or credited by prison or parole authorities (for example, revocation or calculation of good time credits)☒ Pretrial detention☐ Immigration detention☐ Detainer☐ The validity of your conviction or sentence as imposed (for example, sentence beyond the statutory maximum or improperly calculated under the sentencing guidelines)☐ Disciplinary proceedings☐ Other (explain):

6. Provide more information about the decision or action you are challenging:

(a) Name and location of the agency or court:

Orange County State Court New York

(b) Docket number, case number, or opinion number:

unknown offense is second-degree murder

(c) Decision or action you are challenging (for disciplinary proceedings, specify the penalties imposed):

pretrial detention, unlawful confinement

(d) Date of the decision or action:

N/A**Your Earlier Challenges of the Decision or Action**7. **First appeal**

Did you appeal the decision, file a grievance, or seek an administrative remedy?

☐ Yes☒ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court:

(2) Date of filing:

(3) Docket number, case number, or opinion number:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) If you answered "No," explain why you did not appeal. *Case is still pending*

8. **Second appeal**

After the first appeal, did you file a second appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a second appeal: \_\_\_\_\_

9. **Third appeal**

After the second appeal, did you file a third appeal to a higher authority, agency, or court?

☐ Yes ☐ No

(a) If "Yes," provide:

(1) Name of the authority, agency, or court: \_\_\_\_\_

(2) Date of filing: \_\_\_\_\_

(3) Docket number, case number, or opinion number: \_\_\_\_\_

(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_

(b) If you answered "No," explain why you did not file a third appeal:

10. **Motion under 28 U.S.C. § 2255**

In this petition, are you challenging the validity of your conviction or sentence as imposed?

☐ Yes ☒ No

If "Yes," answer the following:

(a) Have you already filed a motion under 28 U.S.C. § 2255 that challenged this conviction or sentence?

☐ Yes ☐ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

(b) Have you ever filed a motion in a United States Court of Appeals under 28 U.S.C. § 2244(b)(3)(A), seeking permission to file a second or successive Section 2255 motion to challenge this conviction or sentence?

☐ Yes ☒ No

If "Yes," provide:

(1) Name of court:

(2) Case number:

(3) Date of filing:

(4) Result:

(5) Date of result:

(6) Issues raised:

- (c) Explain why the remedy under 28 U.S.C. § 2255 is inadequate or ineffective to challenge your conviction or sentence:

*A 2241 petition is the proper vehicle to challenge pretrial detention rendering a 2255 inadequate and ineffective to challenge the legality of detention*

11. **Appeals of immigration proceedings**

Does this case concern immigration proceedings?

☐ Yes

☒ No

If "Yes," provide:

- (a) Date you were taken into immigration custody: \_\_\_\_\_  
 (b) Date of the removal or reinstatement order: \_\_\_\_\_  
 (c) Did you file an appeal with the Board of Immigration Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Date of filing: \_\_\_\_\_  
 (2) Case number: \_\_\_\_\_  
 (3) Result: \_\_\_\_\_  
 (4) Date of result: \_\_\_\_\_  
 (5) Issues raised: \_\_\_\_\_

- (d) Did you appeal the decision to the United States Court of Appeals?

☐ Yes

☐ No

If "Yes," provide:

- (1) Name of court: \_\_\_\_\_  
 (2) Date of filing: \_\_\_\_\_  
 (3) Case number: \_\_\_\_\_



(4) Result: \_\_\_\_\_

(5) Date of result: \_\_\_\_\_

(6) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**12. Other appeals**

Other than the appeals you listed above, have you filed any other petition, application, or motion about the issues raised in this petition?

☐ Yes☒ No

If "Yes," provide:

(a) Kind of petition, motion, or application: \_\_\_\_\_

(b) Name of the authority, agency, or court: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(c) Date of filing: \_\_\_\_\_

(d) Docket number, case number, or opinion number: \_\_\_\_\_

(e) Result: \_\_\_\_\_

(f) Date of result: \_\_\_\_\_

(g) Issues raised: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_**Grounds for Your Challenge in This Petition**

13. State every ground (reason) that supports your claim that you are being held in violation of the Constitution, laws, or treaties of the United States. Attach additional pages if you have more than four grounds. State the facts supporting each ground.

**GROUND ONE:**

The CIA without Petitioner's consent placed her under electronic surveillance in a CIA "Telegraphic Behavior Modification" Program (See term and FOIA documents at cia.gov). Petitioner is aggrieved by the continued electronic surveillance which violated the 1st, 4th and 5th Amendment to the U.S. Constitution and 14th Amendment. Under 50 USC § 1806(f) the Court should disclose the surveillance using the procedures outlined therein.

- (a) Supporting facts (Be brief. Do not cite cases or law.): The CIA without petitioner's consent placed her under electronic surveillance in a CIA "Telephonic Behavior Modification" Program (see Term and Form documents at CIA.gov). Petitioner is aggrieved by the continued electronic surveillance which violated the 1st, 4th, and 5th Amendments and 14th Amendment to the U.S. Constitution. Under 50 USC § 1806(f) the Court should disclose the surveillance using the procedures outlined therein. Additionally, there is no physical evidence of the crime as a result. Petitioner should be released to comply with the violated 8th & 14th Amendment. See *Commonwealth v. Champney*, 619 Pa 627, 636 (Pa 2009) ("no eyewitness testimony, no physical evidence and no forensic evidence linking [her] to offense").
- (b) Did you present Ground One in all appeals that were available to you? As to CIA electronic surveillance / harassment via wireless signals by satellite with GPS tracking see Dr. John Ball author of "A New Breed in Satellite Terrorism" and "Carnegie Pigs", Dr. Robert Duncan, a CIA Scientist, Aaron Alexis, & Jaamie Ali interviews at Youtube.com. Also see "Voice of God weapon at wired.com (describing technology)."

**GROUND TWO:**

Magistrate Judge did not affix their seal to the affidavit attached to the criminal Complaint. The Return attached to the warrant was not filled out, pages were not incorporated into the authorization page and the Jurat was not properly completed. There was no probable cause to arrest. All in violation of the 4th, 5th and 14th Amendments. See *Commonwealth v. McJee*, 230 Pa Super 336 (1974).

- (a) Supporting facts (Be brief. Do not cite cases or law.): (Warrant and criminal Complaint require seal). Magistrate Judge did not affix their seal to the affidavit attached to the criminal Complaint or warrant. The Return attached to the warrant was not filled out, pages were not incorporated into the authorization page and the Jurat was not properly completed. There was no probable cause to arrest. All in violation of the 4th, 5th and 14th Amendments. Also, the criminal Complaint and information failed to set forth all of the elements of the crime and therefore violated the notice requirement of the 14th Amendment due process clause because it did not enable her to prepare her defense, avoid prejudicial surprise and was not definitive enough to enable her to plead her acquittal or conviction and bar any future prosecution for same offense. *State v. Ballou*, 433 A.2d 989 (1980).
- (b) Did you present Ground Two in all appeals that were available to you? ☒ Yes ☐ No

**GROUND THREE:** Information was rubber stamped by someone else and not signed by District Attorney in violation of the 5th and 14th Amendments. Information is Void.

- (a) Supporting facts (Be brief. Do not cite cases or law.):

The Information charging the offenses was rubber stamped by someone else and not signed by the District Attorney in their original signature in violation of the 5th and 14th Amendments. Information is Void. *Commonwealth v. Belcher*, 258 Pa Super 153 (1978).

- (b) Did you present Ground Three in all appeals that were available to you? ☒ Yes ☐ No



**GROUND FOUR:** Petitioner was prosecuted by Information for Capital offense rather than Indictment in violation of the 5th Amendment Grand Jury Clause and Supremacy Clause of US Constitution Art VI clause 2 (Petitioner based this ground on the Supremacy Clause not on the 14th Amendment Due process or Equal protection Clause)

(a) Supporting facts (Be brief. Do not cite cases or law.): Petitioner was prosecuted by Information for Capital offense rather than Indictment in violation of the 5th Amendment Grand Jury Clause and Supremacy Clause of the U.S. Constitution Art VI clause 2 (Petitioner based this ground on the Supremacy Clause not on the 14th Amendment Due process or Equal protection Clause). See *United States v. Mevel*, 108 Fed Appx 790, 792 at \*2 (4th Cir. 2004) (citing *Stroene v. United States*, 361 US 212, 217-19 (1960) (Fifth Amendment Grand Jury Clause meant to "provide a check on the prosecutive power of the State by ensuring that only an independent and neutral body of defendants' peers can frame the factual contours of the alleged criminal activity.") See also *Apprendi v. New Jersey*, 530 US 466, 476 (2000); *Commonwealth v. Jemison* 98 B2d 1254, 1257 (Pa 2014) (all state courts bound by Supremacy Clause of the United States Constitution).

(b) Did you present Ground Four in all appeals that were available to you? (Constitution).

☒ Yes

☐ No

14. If there are any grounds that you did not present in all appeals that were available to you, explain why you did not: All <sup>available</sup> grounds have been exhausted.

#### Request for Relief

15. State exactly what you want the court to do: Immediately discharge Petitioner from custody, hold an evidentiary hearing, appoint counsel, order discovery from respondents on the issues herein and disclose any electronic surveillance by the CIA or any other Intelligence Agency w/ to Petitioner under the standards set forth in 50 USC § 1806 (f), along with all other warranted and requested relief.

Next Friend Statute 28 USC § 2242

1. Petitioner is incarcerated by virtue of her confinement and is from Latvia is not learned in the law and is a layperson.
2. Petitioner was coerced, "tricked" under duress into making statements that were twisted by respondents and investigators without rhyme or reason and under color of law. No rights were understood or read in violation of Miranda.
3. As a result of these disabilities Petitioner is unable to prosecute this petition or file it.
4. Frederick Banks filed this petition as next friend of Petitioner. If the Court denies next friend status it should allow Petitioner to proceed pro se or with appointed counsel.
5. Banks has a legitimate interest in seeing Petitioner treated fairly and he cannot understand how Petitioner can be confined on the charge with no evidence when her life was equally in peril. Banks believes that the respondents are taking advantage of Petitioner because of her status as a foreigner from Latvia in violation of the 5th and 14th Amendment Equal protection Clause. Other murder defendants were treated differently than Petitioner and they are different races, + classes to the extent they are in the same class as Petitioner "class of one" equal protection was violated.



**Declaration Under Penalty Of Perjury**

If you are incarcerated, on what date did you place this petition in the prison mail system:

1/14/16

I declare under penalty of perjury that I am the petitioner, I have read this petition or had it read to me, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Date:

1/14/16

Signature of Petitioner

"The Litigator" haim@brownllc@gmail.com

Signature of Attorney or other authorized person, if any

Motion to proceed In Forma Pauperis

next friend moved to proceed In forma pauperis

1. No prison job no income
2. No money in the last 12 months save for him (no money in any account) except for
3. No Asset except for him
4. No dependents
5. Staff will not provide an inmate account. Statements have not been continued long enough.

Wherefore the foregoing motion should be granted.

Executed under penalty perjury United States of America

sworn: 1/14/16

Pro Se

NAME: Frederick Banks

DOC & POD NUMBER 120759  
ALLEGHENY COUNTY JAIL  
150 2ND AVE  
PITTSBURGH, PA 15219-3100

ADDRESS MUST BE PRINTED BELOW THIS LINE

United States District Court

500 Pearl St.  
New York, NY 10007-1213



Note: Do not direct this mail  
Sent to NY, NY. Postal inspectors have been notified.]

DO NOT COLOR OR WRITE BELOW THIS LINE

PRIORITIZED  
FIRST CLASS



UNITED STATES POSTAGE  
\$00.38  
021R 000200 7753 JAN 19 2016  
MAILED FROM ZIP CODE 15219

LCX-PSF 10007

